

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TONNY STOREY, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

AMAZON.COM SERVICES, LLC,

Defendant.

No. 2:23-CV-01529-KKE

**STIPULATED MOTION AND  
ORDER TO EXTEND DEADLINE  
FOR FILING AMENDED  
COMPLAINT AND SET BRIEFING  
SCHEDULE**

Pursuant to Civil Local Rules 7(d)(1) and 10(g), Plaintiff Tonny Storey and Defendant Amazon.com Services LLC (collectively, “the Parties”), by and through their respective attorneys, hereby move the Court to enter an order extending Plaintiff’s deadline to file an amended complaint pursuant to F.R.C.P. 15(a)(1)(B) by two weeks, and setting a revised briefing schedule for Amazon.com Services LLC’s anticipated motion to dismiss and request for judicial notice. In support of the foregoing request for relief, the Parties state as follows:

1. On September 15, 2023, Tonny Storey filed a putative class action complaint (“the Complaint”) against Amazon.com, Inc. and Amazon.com Services LLC (“the Defendants”) in the Superior Court of Washington for King County. Defendants timely filed a Notice of Removal, removing the matter to this Court, Dkt. 1.

2. On October 11, 2023, the Parties filed a stipulated motion to dismiss Amazon.com, Inc. from this action and to set a briefing schedule for Amazon.com Services

STIPULATED MOTION AND ORDER TO  
EXTEND DEADLINE FOR FILING  
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BRIEFING SCHEDULE – 1  
(Case No. 2:23-CV-01529-KKE)

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Phone (206) 622-8000 • Fax (206) 682-2305

1 LLC's anticipated motion to dismiss. The Court granted the Parties' motion on October 11,  
2 2023, Dkt. 9.

3 3. On December 1, 2023, the Parties filed a stipulated motion to extend the  
4 previous briefing schedule by two business days. Dkt. 15. The Court granted the Parties'  
5 motion on December 1, 2023, Dkt. 16.

6 4. On December 5, 2023, Defendant filed its Rule 12(b)(6) Motion to Dismiss,  
7 Dkt. 17, and Request for Judicial Notice in Support, Dkt. 18. Under the current order,  
8 Plaintiff's deadline to file an opposition is January 23, 2024, and Defendant's reply deadline  
9 is February 13, 2024. Dkt. 16.

10 5. Plaintiff has decided to amend his Complaint as a matter of course pursuant to  
11 Rule 15(a)(1)(B) in lieu of responding to Defendant's initial motion to dismiss. Under the Rule,  
12 his deadline to file the amended complaint is 21 days after the filing of the Rule 12(b) motion,  
13 on December 26, 2023.

14 6. The Parties have conferred, and Plaintiff has requested a 2-week extension of  
15 the deadline to file his amended complaint in light of the intervening holidays, and proposed a  
16 modified briefing schedule for Defendant's anticipated revised motion to dismiss and request  
17 for judicial notice.

18 7. Accordingly, the Parties stipulate and respectfully move the Court to enter an  
19 order withdrawing or deeming denied as moot Defendant's pending Motion to Dismiss and  
20 Request for Judicial Notice, and setting the following schedule for Plaintiff's amended  
21 complaint and briefing Defendant's anticipated revised motion to dismiss and request for  
22 judicial notice:

Event	Proposed Deadline
Deadline for Plaintiff's Amended Complaint	January 9, 2024

Deadline for Defendant's Motion to Dismiss and Request for Judicial Notice	February 9, 2024
Deadline for Plaintiff's Opposition to Motion to Dismiss and Request for Judicial Notice	March 11, 2024
Deadline for Defendant's Reply in Support of Motion to Dismiss and Request for Judicial Notice	April 1, 2024

8. The Parties have sought the extensions set forth above, but have sought no previous extensions related to the Plaintiff's filing of an amended complaint. Aside from altering the dates set in the Court's December 1, 2023 Order (Dkt. 16), the proposed schedule will not impact any other previously scheduled dates in this matter.

DATED this 21st day of December, 2023.

SCHROETER GOLDMARK & BENDER

s/ Adam J. Berger

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s/ Scott D. Gilchrist

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*Counsel for Defendants Amazon.com, Inc. and Amazon.com Services LLC*

STIPULATED MOTION AND ORDER TO  
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BRIEFING SCHEDULE – 3  
(Case No. 2:23-CV-01529-KKE)

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**ORDER**

The parties’ joint motion (Dkt. No. 21) is GRANTED. Defendant’s motion to dismiss (Dkt. No. 17) is DENIED as MOOT, and the Court sets the following deadlines:

Event	Deadline
Deadline for Plaintiff’s Amended Complaint	January 9, 2024
Deadline for Defendant’s Motion to Dismiss and Request for Judicial Notice	February 9, 2024
Deadline for Plaintiff’s Opposition to Motion to Dismiss and Request for Judicial Notice	March 11, 2024
Deadline for Defendant’s Reply in Support of Motion to Dismiss and Request for Judicial Notice	April 1, 2024

Dated this 22nd day of December, 2023.



Kymberly K. Evanson  
United States District Judge

Presented by:

s/ Adam J. Berger

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STIPULATED MOTION AND ORDER TO  
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